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Justice

Journal - Office of Legislative Counsel
Thursday - 29 June 1978

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14. [Redacted] LIAISON Saw Bill Miller, Staff Director, Senate Select Committee on Intelligence, about a request I received from Ed Levine, also of the Committee staff, which involved a typed script that had been prepared for the Director. I told him I was not about to even raise release of this document unless I knew there was a specific Committee need for it. I showed Miller the 21 April NID which was similar, but not a mirror image, of the typed script. He will talk to Levine about it.

Miller asked me about the Senator Howard Baker (R., Tenn.)/ Senator Robert Byrd (D., W. Va.) letter involving [Redacted] material. I explained the background and said that we would send them the material.

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15. [Redacted] LEGISLATION Called the House Government Operations Committee to check on the status of H.R. 12171, the "Federal Accounting and Auditing Act of 1978." The bill is pending before the full Committee with nothing scheduled.

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16. [Redacted] LEGISLATION Called the Senate Governmental Affairs Committee, Subcommittee on Federal Spending Practices and Open Government, to check on the status of S. 3178, the "Contract Disputes Act." I was informed that two days of hearings have already been held on the bill; no mark-up session had been scheduled but will probably take place after the 4 July recess.

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17. [Redacted] LEGISLATION Called the House Judiciary Committee to check on the status of H.R. 11002, "Contract Disputes Act." The 26 June 1978 mark-up session was cancelled because of the death of Representative William M. Ketchum (R., Calif); the full Committee hopes to reschedule markup for 11 or 18 July. No date certain is yet available.

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18. [Redacted] LEGISLATION Called the House Government Operations Subcommittee on Legislation and National Security to check on the status of H.R. 12171, the "Federal Accounting and Auditing Act of 1978." I was informed that the Subcommittee voted the bill without mark-up to the full Committee.

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19. [Redacted] LEGISLATION Called Larry Simms, Office of Legal Counsel, Justice Department, to inform him of the latest status of our letter on Title IV of H.R. 12240, the "Intelligence and Intelligence-Related Program Authorization Act for FY '79."

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25X1 5. [REDACTED] LIAISON Saw Herb Romerstein, House Permanent Select Committee on Intelligence staff, who asked for the status of the Director's unclassified letter which conveys the unclassified report on KGB manipulation of the media. I said that I had every expectation that the letter, as well as the reply to Representative Les Aspin's (D., Wis.) letter to the Director on the same subject, would be answered by the early part of next week.

25X1 6. [REDACTED] HEARING Accompanied the Director; [REDACTED], NFAC/CSS; [REDACTED], NFAC/ORPA; 25X1 and [REDACTED] Acting Legislative Counsel, to an appearance before the House Permanent Select Committee on Intelligence. The purpose of this appearance was for the Director to explain why he had not included the [REDACTED] cable containing Fidel Castro's denial of involvement in the Katanganese invasion of Zaire in his 5 June briefing of the Committee. Attending from the Committee membership were: Chairman Edward P. Boland (D., Mass.), Bill D. Burlison (D., Mo.) Morgan F. Murphy (D., Ill.), Les Aspin (D., Wis.), Charles Rose (D., N. Car.), Romano L. Mazzoli (D., Ky.), and Robert McClory (R., Ill.). Attending from the Committee staff were: Thomas K. Latimer, Staff Director, Michael J. O'Neil, Chief Counsel, Patrick G. Long, Associate Counsel, and James O Bush, staff member. This meeting took place in room H-405 of The Capitol and lasted from 1515 hours until 1630 hours. A transcript was taken. In addition to the Director's explanation, the bulk of the appearance evolved around ways the Agency could help the Committee do its job better and the Director's assurances that the Committee would be given as much information as possible, both by way of classified briefings as well as advance copies of unclassified reports.

25X1 7. [REDACTED] LIAISON Jim Bush, House Permanent Select Committee on Intelligence staff, reported that House consideration of the Justice Department authorization bill had been taken off the calendar for today. He thought it would come up on 10, 11, or 12 July. He expects there will be a floor fight over the amount for FBI domestic security activities, with Representatives Bill D. Burlison (D., Mo.) and Robert McClory (R., Ill.) the adversaries.

25X1 8. [REDACTED] HEARING Sent via courier to Mike O'Neil, Chief Counsel, House Permanent Select Committee on Intelligence, the 5 May 1978 transcript of the Agency's testimony before the Subcommittee on Oversight on the subject of propaganda.

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17. [REDACTED] LEGISLATION Spoke with Pat Norton, Senate Select Committee on Intelligence, staff, with regard to the upcoming charter legislation hearings. Mr. Norton indicated the following schedule for July: 11 July and 18 July -- representatives of the "American Friends Service Committees," "Women's Strikes for Peace," and "Chicago Political Surveillance Litigation and Educational Project;" 20 July -- unnamed academics dealing with the topic of "Intelligence Activities on Campus;" 27 July -- former Secretary of State Henry Kissinger. Another day of hearing, as yet unscheduled, will be held at which representatives of the ACLU and Larry Silverman, former U. S. Attorney and Ambassador to Yugoslavia, will testify. Mr. Norton also indicated that testimony given by Mr. Emerson (Yale Law Professor) on 22 June will prove most useful especially during the ACLU testimony coming up in July. In that regard, Mr. Norton indicated that while Mr. Emerson stated one view in his statement, when asked specific hypotheticals he took a much more "reasonable" position on the issue. Mr. Norton said this boosted his opinion of the "reasonableness of liberal critics" and indicated that even they can be educated to the sensitivities involved. Mr. Norton went on to say that Mr. Emerson's "reasonableness" will be useful tool to use when the Committee hears testimony from ACLU representatives.

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18. [REDACTED] LEGISLATION Spoke with John Gavin, Justice Department, with regard to Justice's proposed testimony on H. R. 12171, the "Federal Accounting and Auditing Act of 1978." I told Mr. Gavin that except for our reservations expressed to OMB last evening we would support the statement by the Justice Department. I explained to Mr. Gavin that it had been decided here not to present our views before the Subcommittee but rather to the full Committee; secondly, I explained that we are concerned that reference in the testimony to intelligence charter legislation could be construed as an Administration position with regard to section 123 of S. 2525, which the Administration through the SCC has not yet spoken to.

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19. [REDACTED] LEGISLATION Spoke with Bob Carlstrom, OMB I told Mr. Carlstrom that Mr. Gavin from Justice had called to inquire as to the latest developments with regard to Justice testimony on H. R. 12171, the "Federal Accounting and Auditing Act of 1978" (see Journal Item above). He said he wasn't able to get back to Justice last night except to stop printing on the testimony because he was in meeting with his "intelligence" people until 6:30 p. m. OMB agreed to delete the reference to CIA views going to Subcommittee on page five of the proposed testimony. Moreover, our argument with regard to the possibility of Justice's testimony being construed as the Administration's position on the same issue found in charter legislation is in OMB's opinion persuasive.

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10. [redacted] LEGISLATION Received a call from Mr. Jack Sands, House Merchant Marine and Fisheries Committee, Merchant Marine Subcommittee Staff, concerning H. R. 9998, the "Ocean Shipping Act of 1978," which the full Committee had marked up earlier today. Mr. Sands thanked us for our views letter to Representative Paul McCloskey (R., Calif.) on certain provisions in this legislation which, in conjunction with other reports on the bill from other agencies, provided the basis on which the troublesome provisions had been deleted. I thanked Mr. Sands for his assistance in having brought this matter to our attention.

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11. [redacted] LEGISLATION Spoke with Bob Carlstrom, OMB, with regard to the Justice Department proposed testimony on H. R. 12171, the "Federal Accounting and Auditing Act of 1978." I indicated to Mr. Carlstrom that we had two problems with the testimony: first, CIA does not intend to present its views to Subcommittee, contrary to the Justice Department statement to that effect on page 5 of the proposed testimony; secondly, the Justice Department approach, linking the audit issue to the approach taken in the charter legislation, in our opinion, could prematurely lock the Administration position. Mr. Carlstrom agreed to have Justice delete the offending sentence on page 5. With regard to the charter issue it was agreed that a sentence should be inserted in the testimony to indicate that with regard to the charter legislation any views expressed in the testimony should be construed as those of the Justice Department alone; adding that the charter legislation is currently under review within the Administration.

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12. [redacted] LEGISLATION Called [redacted] IC staff to inform him of our 1:30 p. m. meeting with State Department and Justice Department as well as OMB on H. R. 12240, the intelligence authorization legislation. [redacted] said he'd be sending an IC staff representative. Substantively, [redacted] agreed with our assessed position on the matter of Title IV of the bill.

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